

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA

: INDICTMENT

-v.-

: 08 Cr.

HERNAN ARBIZU,

Defendant.

08 CRIM.

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COUNTS ONE THROUGH TWELVE

The Grand Jury charges:

1. On or about the dates set forth below, in the Southern District of New York and elsewhere, HERNAN ARBIZU, the defendant, unlawfully, willfully, and knowingly, having devised and intending to devise a scheme and artifice to defraud, and for obtaining money and property by means of false and fraudulent pretenses, representations, and promises, to wit, a scheme to withdraw funds from bank customers without their knowledge or consent through the use of unauthorized wire transfers, did transmit and cause to be transmitted by means of wire communication in interstate and foreign commerce, a writing, sign, signal, picture, and sound for the purpose of executing such scheme and artifice, and aided and abetted the same, to wit, ARBIZU sent, or caused to be sent, the following interstate and foreign communications in order to effect the

unauthorized wire transfers:

COUNT	APPROXIMATE DATE	WIRE COMMUNICATION
ONE	March 13, 2007	Wire transfer in the amount of \$450,000, caused by ARBIZU to be sent from UBS AG in New York, New York, to HSBC Bank in the Principality of Monaco.
TWO	March 13, 2007	Wire transfer in the amount of \$430,000, caused by ARBIZU to be sent from UBS AG in New York, New York, to DBS Bank in Hong Kong.
THREE	June 19, 2007	Wire transfer in the amount of \$240,000, caused by ARBIZU to be sent from UBS AG in New York, New York, to First Caribbean International Bank in Curacao, Netherlands Antilles.
FOUR	August 10, 2007	Wire transfer in the amount of \$40,000, caused by ARBIZU to be sent from UBS AG in New York, New York, to First Caribbean International Bank in Curacao, Netherlands Antilles.
FIVE	October 18, 2007	Wire transfer in the amount of \$87,000, caused by ARBIZU to be sent from UBS AG in New York, New York, to First Caribbean International Bank in Curacao, Netherlands Antilles.
SIX	March 12, 2008	Wire transfer in the amount of \$690,000, caused by ARBIZU to be sent from UBS AG in New York, New York, to Banca Privada d'Andorra in the Principality of Andorra.
SEVEN	March 12, 2008	Wire transfer in the amount of \$35,000, caused by ARBIZU to be sent from UBS AG in New York, New York, to First Caribbean International Bank in Curacao, Netherlands Antilles.

EIGHT	March 19, 2008	Wire transfer in the amount of \$610,000, caused by ARBIZU to be sent from UBS AG in New York, New York, to Banca Privada d'Andorra in the Principality of Andorra.
NINE	April 15, 2008	Wire transfer in the amount of \$757,500, caused by ARBIZU to be sent from JPMorgan Chase Bank, N.A., in New York, New York to Banco Bilbao Vizcaya Argentaria - Paraguay, S.A. in Asuncion, Paraguay.
TEN	April 15, 2008	Wire transfer in the amount of \$570,000, caused by ARBIZU to be sent from JPMorgan Chase Bank, N.A., in New York, New York to Banco Bilbao Vizcaya Argentaria - Paraguay, S.A. in Asuncion, Paraguay.
ELEVEN	April 15, 2008	Wire transfer in the amount of \$370,000, caused by ARBIZU to be sent from JPMorgan Chase Bank, N.A., in New York, New York to Banco Bilbao Vizcaya Argentaria - Paraguay, S.A. in Asuncion, Paraguay.
TWELVE	April 15, 2008	Wire transfer in the amount of \$1,100,000, caused by ARBIZU to be sent from JPMorgan Chase Bank, N.A., in New York, New York to UBS AG in Stamford, Connecticut.

(Title 18, United States Code, Sections 1343 and 2.)

COUNT THIRTEEN

The Grand Jury further charges:

2. In or about April 2008, in the Southern District of New York and elsewhere, HERNAN ARBIZU, the defendant, being an employee of a Federal Reserve bank, member bank, depository institution holding company, national bank, and insured bank,

and an organization operating under sections 25 and 25(a) of the Federal Reserve Act, unlawfully, willfully, and knowingly, did embezzle, abstract, purloin, and willfully misapply the moneys, funds, and credits of such bank, branch, agency, organization, and holding company, and moneys, funds, assets and securities intrusted to the custody and care of such bank, branch, agency, organization, and holding company, and to the custody and care of such agent, officer, director, and employee, in an amount exceeding \$1,000, and aided and abetted the same, to wit, while employed by JPMorgan Chase Bank, N.A., ARBIZU initiated wire transfers from a JPMorgan Chase Bank, N.A. account holder without authorization.

(Title 18, United States Code, Section 656.)

COUNT FOURTEEN

The Grand Jury further charges:

3. In or about April 2008, in the Southern District of New York and elsewhere, HERNAN ARBIZU, the defendant, unlawfully, willfully, and knowingly did execute and attempt to execute a scheme and artifice to defraud a financial institution, the deposits of which were then insured by the Federal Deposit Insurance Corporation, to wit, JPMorgan Chase Bank N.A., and to obtain moneys, funds, credits, assets, securities, and other property owned by, and under the custody

and control of such financial institution, by means of false and fraudulent pretenses, representations, and promises, and aided and abetted the same, to wit, ARBIZU initiated wire transfers from a JPMorgan Chase Bank, N.A. account holder, without authorization.

(Title 18, United States Code, Sections 1344 and 2.)

COUNT FIFTEEN

The Grand Jury further charges:

4. In or about April 2008, in the Southern District of New York and elsewhere, HERNAN ARBIZU, the defendant, unlawfully, willfully, and knowingly did transfer, possess, and use, without lawful authority, a means of identification of another person during and in relation to a felony violation enumerated in Section 1028A(c), to wit, ARBIZU used the names and account numbers of JPMorgan Chase Bank, N.A. and UBS customers, without authorization, to effect the unauthorized transfers charged in Counts One through Fourteen of this Indictment.

(Title 18, United States Code, Section 1028A.)

FORFEITURE ALLEGATION

5. As a result of committing the offenses alleged in this Indictment, HERNAN ARBIZU, the defendant, shall forfeit to the United States pursuant to 18 U.S.C. § 981(a)(1)(C) and 28

U.S.C. § 2461, all property, real and personal, constituting or derived from proceeds obtained directly or indirectly as a result of the offenses charged herein, including but not limited to at least approximately \$5,379,500 in United States currency, in that such sum in aggregate is property representing the amount of proceeds obtained as a result of the embezzlement by a bank employee, bank fraud, and wire fraud offenses charged herein.

Substitute Asset Provision

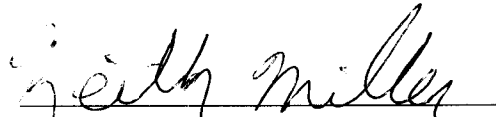
6. If any of the above-described forfeitable property, as a result of any act or omission of the defendant:

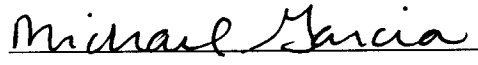
- (1) cannot be located upon the exercise of due diligence;
- (2) has been transferred or sold to, or deposited with, a third person;
- (3) has been placed beyond the jurisdiction of the Court;
- (4) has been substantially diminished in value; or
- (5) has been commingled with other property which cannot be subdivided without difficulty;

it is the intent of the United States, pursuant to 18 U.S.C. §

982(b) and 21 U.S.C. § 853(p), to seek forfeiture of any other property of said defendant up to the value of the above forfeitable property.

(Title 18, United States Code, Section 981,
Title 28, United States Code, Section 2461, and
Title 18, United States Code, Sections 656, 1343, 1344 & 1028A.)


FOREPERSON


MICHAEL J. GARCIA
United States Attorney

Form No. USA-33s-274 (Ed. 9-25-58)

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HERNAN ARBIZU

Defendant.

INDICTMENT

08 Cr.

(18 U.S.C. §§ 2, 656, 1028A, 1343, 1344.)

MICHAEL J. GARCIA
United States Attorney.

A TRUE BILL

Keith Miller

Foreperson.
